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9 *Attorneys for Defendants*
10 Michael C. Child, Roger C. Ferguson,
Frank H. Levinson, Robert N. Stephens,
11 and Dominique Trempont

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13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN JOSE DIVISION**

16 In re: FINISAR CORPORATION
DERIVATIVE LITIGATION,

17 This Document Relates To:

18 ALL ACTIONS.

Master File No. C-06-07660-RMW

**STIPULATION AND []
ORDER REGARDING BRIEFING OF
MOTIONS TO DISMISS**

**Courtroom: 6
Judge: Hon. Ronald M. Whyte**

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1 WHEREAS, pursuant to the March 2, 2012 Stipulation and Order Extending the Deadline
2 for Filing Motions to Dismiss, Dkt. No. 139, defendants must file motions to dismiss Plaintiffs'
3 Supplemental Second Amended Consolidated Verified Shareholder Derivative Complaint
4 ("SSAC") by March 15, 2012;

5 WHEREAS, the SSAC is 100 pages in length (311 separate paragraphs) and alleges 14
6 causes of action under federal and state law against numerous defendants, including Michael C.
7 Child, Roger C. Ferguson, Frank H. Levinson, Robert N. Stephens, and Dominique Trempont
8 (collectively, the "Outside Directors");

9 WHEREAS, the defendants identified below are separately represented and intend to file
10 separate motions to dismiss;

11 WHEREAS, Civil L.R. 7-2(b) provides that a party's motion may not exceed 25 pages in
12 length;

13 WHEREAS, based on the length of the SSAC and the number of causes of action alleged,
14 the Outside Directors believe that justification and good cause exists for allowing the Outside
15 Directors to file a motion to dismiss that will not exceed 28 pages in length;

16 WHEREAS, certain defendants have advised that their motion to dismiss will be less than
17 the 25 pages provided under Civil L.R. 7-2(b);

18 WHEREAS, upon their review of the defendants' motions to dismiss, Plaintiffs may elect
19 to file an omnibus opposition to such motions;

20 THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the parties identified
21 below as follows:

22 1. The Outside Directors shall file and serve a motion to dismiss not to exceed 28
23 pages in length;

24 2. Plaintiffs shall have the option to file an omnibus opposition to the motions to
25 dismiss filed by all defendants not to exceed the total length of defendants' briefing.

26 IT IS SO STIPULATED.
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March 15, 2012

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March 15, 2012

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: HEB, 2012


THE HONORABLE RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE

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